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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,769	03/20/2001	Robert S. Oscar	746829-5	9298
22204	7590	05/18/2007		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER PORTER, RACHEL L	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Amendment

Election/Restrictions

The amendment filed on 12/21/06 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because:

Claims 14-18, 23-31 and 36-39 (group II) originally recited a pharmacy benefits server (a system component) and method for downloading benefit information. In a restriction requirement, the pharmacy benefits server claims of group II were a subcombination of a combination (group I). The method claims of group II were method performed by the pharmacy benefits server. On the other hand, Group I claims were drawn to an entire pharmacy management system system with a plurality of system components and the corresponding method(s).

In response to the restriction requirement, the Applicant elected Group II for examination, and Groups I, III, and IV were withdrawn from further consideration.

However, the current substantial claim amendments delete recited elements of the originally elected Group II claims (e.g. claims 14-18, 23-31 and 36-39) (downloading benefits, correlating claim claim information). Moreover, the amendments substitute language from the claims of Group I, the non-elected invention, to define the claims of group II. For example, claim 14 and its dependents previously recited a pharmacy benefits server, with means for downloading price information..., means for downloading pharmacy benefits plans structure information,...and means for correlation the claim information with the claim information, and the formulary information.

Currently, claim 14 recites a "pharmacy benefits system comprising: a pharmacy benefits means..., management means..., a provider means..., " and describes the details of functions performed by the management means. Therefore, the current claim language represents a shift in the invention, as it reflects claim language found in exemplary claim 1, from Group I, the combination and the non-elected invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-18, 23-31 and 36-39 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

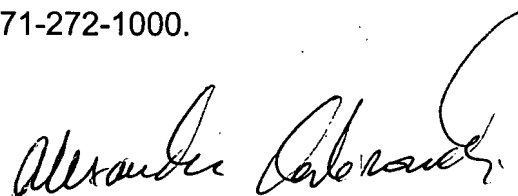
Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP



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